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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,511	03/12/2004	Jaroslav V. Belik	12038.0013.NPUS01	2372

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EXAMINER

FULLER, ROBERT EDWARD

ART UNIT	PAPER NUMBER
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3672

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,511

Applicant(s)

BELIK, JAROSLAV V.

Examiner

Robert E. Fuller

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 9, 11-14, 16-21, 23 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14, 16-21, 23 and 26-32 is/are rejected.
- 7) ☒ Claim(s) 8, 9 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment, received February 26, 2007 has been considered. In view of the amendments to the claims, the objections to the claims set forth in the previous office action have been withdrawn. Also, the examiner has modified the prior art rejections in response to applicant's arguments. Therefore, this action has not been made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1, 3-5, 11, 14, 16, 18, 19, 23, 26, 27, 29, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt (US 1,889,592) in view of Kelley (US 2,340,597).

With regard to claims 1, 4, 5, 16, 23, 26, and 27, Brandt discloses a slip puller apparatus, having a slip base (2), a pulling mechanism (25 and 27), or connecting means, pivotally attached to the slip base, wherein the pulling mechanism has top and bottom arms exhibiting a parallelogram geometry. Brandt further teaches slips (32), or gripping means, connected to the pulling mechanism, and a lever (22), or manipulating means, connected to the pulling mechanism and adapted to move the pulling mechanism between an activated and deactivated position. No part of the pulling mechanism/connecting means and no part of the lever/manipulating means ever extends outside of the boundary of the slip base.

Brandt fails to disclose the slip base being mounted on a rotary table. Brandt also discloses a lever rather than a pneumatic or hydraulic cylinder for the manipulating means.

Kelley discloses a slip puller apparatus having a slip base (2) mounted on a rotary table (4). The slip base of Kelley is within the boundary of the rotary table. Furthermore, Kelley's slip puller apparatus is shown being operated by a handle or lever (43). However, Kelley teaches that the lever, "employed for the manual operation of the lifting mechanism, may be replaced by other suitable and conventional pneumatic or mechanical lever devices of a character well understood in the art" (page 2, column 2, lines 70-74).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have mounted the slip puller apparatus of Brandt on a rotary table, as such a configuration was well known in the art, as evidenced by Kelley.

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Furthermore, if the slip puller of Brandt was mounted on a rotary table via the slip base as taught by Kelley, then the slip base, pulling mechanism, and cylinder would have all been within the boundary of the rotary table.

It also would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have replaced the lever of Brandt with a hydraulic or pneumatic cylinder, as Kelley teaches the functional equivalence of levers and cylinders, and the advantages of automatic actuation of well devices as opposed to manual actuation were notoriously well known in the art.

With regard to claims 3 and 18, neither Brandt nor Kelley discloses connecting the slip base to the rotary table with magnets. However, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Brandt in view of Kelley so that the slip base would have been connected to the rotary table with magnets, since the examiner takes Official Notice of the equivalence of bolts and magnets for their being used to connect elements of a slip device to the rotary table. The selection of any of these known equivalents to connect the slip base to the rotary table would have been within the level of ordinary skill in the art. Further, It would have been an obvious matter of design choice to use magnets to connect the slip base to the rotary table, since applicant has not disclosed that using magnets solves any stated problem or is for any particular purpose and it appears that the invention would have functioned equally well with bolts or magnets.

With regard to claims 11, 19, and 29, the top and bottom arms of Brandt exhibit a parallelogram geometry in the activated and deactivated positions.

With regard to claims 14 and 30, no portion of the slip puller apparatus of Brandt in view of Kelley is outside of the boundary of the rotary table in the activated or deactivated position.

With regard to claim 31, Brandt discloses a spring (44) connected to the pulling mechanism and operable to move the pulling mechanism between an activated and deactivated position.

With regard to claim 32, Brandt discloses a pull arm (22) connected to the top and bottom arms.

4. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Kelley as applied to claim 1 above, and further in view of Baugh (US 4,269,277).

With regard to claims 2 and 17, Brandt in view of Kelley discloses all the limitations of the above claims, except for the slip base being attached to the rotary table via kelly bushing receptacles.

Baugh discloses a power slip assembly. Baugh further teaches a "base collar...equipped with throughbores by which the entire power slip assembly may be bolted to, for example, the framework of a fluid pressure drive assembly of a snubbing device, to a well workover rig, or to some other support means" (column 11, line 49). It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have bolted the slip bowl of Brandt in view of Kelley to the rotary table using the throughbores (or kelly bushing receptacles) of Baugh, in order to have formed a strong, releasable connection between the slip bowl and the rotary table.

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5. Claims 13, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Kelley as applied to claims 1, 16, and 23 above, and further in view of Moore (US 2,545,627).

Brandt in view of Kelley teaches the operation of the slip puller apparatus via hydraulic or pneumatic cylinder, but fails to explicitly disclose the slip puller being operated via remote control.

Moore discloses a hydraulically actuated slip lifter apparatus in which the hydraulic lines that control the lifting mechanism are routed to a control valve located at a remote point, "close to where the driller will stand" (column 3, lines 69-72).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the device of Brandt in view of Kelley in order to have enable remote operation as taught by Moore, so that operator safety would have improved.

6. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Kelley as applied to claims 1 and 16 above, and further in view of Broussard (US 4,450,606).

Brandt in view of Kelley fails to disclose the encasing of the pulling mechanism within a protective sheath.

Broussard discloses a slip elevator device. Broussard further teaches the use of a "protective housing," which encases the "working mechanism" (the pulling mechanism) of Broussard's invention (column 7, line 27).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have included the protective sheath of Broussard with the pulling mechanism of Brandt in view of Kelley, in order to have "discourage[d] the entry of dust, drilling mud or other abrasive material to the working mechanism" (Broussard, column 7, line 29).

Allowable Subject Matter

7. Claims 8, 9, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed February 26, 2007 have been fully considered but are largely moot due to the modification of the grounds of rejection by the examiner in this office action. Examiner has modified the grounds of rejection mainly in response to applicant's argument that Brandt discloses a *lever* rather than a hydraulic or pneumatic *cylinder*. While examiner agrees that Brandt does not explicitly disclose a cylinder, examiner respectfully contends in this office action that it would have been obvious to modify Brandt to include a cylinder in view of the teachings of Kelley.

Examiner would like to address applicant's arguments concerning claim 16 even though applicant's argument was not directed toward examiner's new grounds of rejection. Applicant has argued that "manipulating means" is analogous to the "cylinder" of claim 1, therefore Brandt does not disclose manipulating means inasmuch as Brandt does not disclose a cylinder. Examiner respectfully contends that "manipulating means"

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is still sufficiently broad enough to include either a cylinder or a lever, considering the fact that the provisions of 35 U.S.C. 112, sixth paragraph have not been invoked.

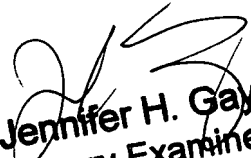
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert E. Fuller whose telephone number is 571-272-0419. The examiner can normally be reached on Monday thru Friday from 8:00 AM - 5:30 PM. The examiner is normally out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05/07/2007
REF


Jennifer H. Gay
Primary Examiner